
HOUSE BILL No. 1284

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-14-9.

Synopsis: Prosecuting attorneys' pensions. Requires the monthly benefits payable to participants, survivors, and beneficiaries under the prosecuting attorneys retirement fund to be increased by the same percentages and under the same conditions as monthly benefits are increased for members of PERF. Provides that a member of the prosecuting attorneys retirement fund is not required to make contributions to the fund after the member has contributed to the fund for 22 years. Reduces from ten to eight the number of years required to vest as a member of the prosecuting attorneys retirement fund. Increases the percentages used in computing retirement benefits under the prosecuting attorneys retirement fund. Changes the reduction factor for retirement before 65 years of age. (The introduced version of this bill was prepared by the pension management oversight commission.)

Effective: July 1, 2001.

Kromkowski

January 9, 2001, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1284

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-14-9-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) Except as
3 provided in ~~subsection~~ **subsections (b) through (d)**, each participant
4 shall make contributions to the fund as follows:

5 (1) A participant described in section 7(1) of this chapter shall
6 make contributions of six percent (6%) of each payment of salary
7 received for services after December 31, 1989.

8 (2) A participant described in section 7(2) or 7(3) of this chapter
9 shall make contributions of six percent (6%) of each payment of
10 salary received for services after June 30, 1994.

11 A participant's contributions shall be deducted from the participant's
12 monthly salary by the auditor of state and credited to the fund.

13 (b) **A participant is not required to contribute a portion of any**
14 **salary received for services after the participant has contributed**
15 **to the fund for twenty-two (22) years.**

16 (c) **A person who:**

17 (1) **has been a participant in the fund; and**



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1 **(2) has not withdrawn from the fund under section 12 of this**
 2 **chapter;**
 3 **is not required to make any contribution during a period when the**
 4 **person is not serving in a position described in section 7 of this**
 5 **chapter.**

6 **(d)** The state may pay the contributions for a participant.

7 SECTION 2. IC 33-14-9-13 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. A participant whose
 9 employment in a position described in section 7 of this chapter is
 10 terminated is entitled to a retirement benefit computed under section
 11 14 or 16 of this chapter, beginning on the date specified by the
 12 participant in a written application, if all of the following conditions are
 13 met:

14 (1) The application for retirement benefits and the choice of the
 15 retirement date is filed on a form provided by the board and the
 16 retirement date is:

17 (A) after the cessation of the participant's service;

18 (B) on the first day of a month; and

19 (C) not more than six (6) months before the date the
 20 application is received by the board.

21 However, if the board determines that a participant is incompetent
 22 to file for benefits and choose a retirement date, the retirement
 23 date may be any date that is the first of the month after the time
 24 the participant became incompetent.

25 (2) The participant:

26 (A) is at least sixty-two (62) years of age and has at least ~~ten~~
 27 **(10) eight (8)** years of service credit; or

28 (B) meets the requirements for disability benefits under
 29 section 15 of this chapter.

30 (3) The participant is not receiving and is not entitled to receive
 31 any salary for services currently performed.

32 SECTION 3. IC 33-14-9-14 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) This section
 34 does not apply to a participant who meets the requirements for
 35 disability benefits under section 15 of this chapter.

36 (b) Except as provided in subsections (c) and (d), the amount of the
 37 annual retirement benefit to which a participant who applies for a
 38 retirement benefit and who is at least sixty-five (65) years of age is
 39 entitled equals the product of:

40 (1) the highest annual salary that was paid to the participant
 41 before separation from service; multiplied by

42 (2) the percentage prescribed in the following table:

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TABLE

Participant's Years of Service	Percentage
Less than 8	0
8	24%
9	27%
10	25% 30%
11	27.5% 33%
12	30% 50%
13	32.5% 51%
14	35% 52%
15	37.5% 53%
16	40% 54%
17	42.5% 55%
18	45% 56%
19	47.5% 57%
20 or more	50% 58%
21	59%
22 or more	60%

(c) If a participant who applies for a retirement benefit is not at least sixty-five (65) years of age, the participant is entitled to receive a reduced annual retirement benefit that equals the benefit that would be payable if the participant was sixty-five (65) years of age reduced by ~~one-fourth one-tenth~~ percent ~~(0.25%)~~ **(0.1%)** for each month that the participant's age at retirement precedes the participant's sixty-fifth birthday.

(d) Benefits payable to a participant under this section are reduced by the pension, if any, that would be payable to the participant from the public employees' retirement fund if the participant had retired from the public employees' retirement fund on the date of the participant's retirement from the prosecuting attorneys retirement fund. Benefits payable to a participant under this section are not reduced by annuity payments made to the participant from the public employees' retirement fund.

(e) In the event benefits payable from the public employees' retirement fund exceed the benefits payable from the prosecuting attorneys retirement fund, the participant is entitled at retirement to withdraw from the prosecuting attorneys retirement fund the total sum contributed plus interest at the rate of five and one-half percent (5.5%) compounded annually.

SECTION 4. IC 33-14-9-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. (a) The surviving



spouse of a participant who:

(1) dies; and

(2) on the date of death:

(A) was receiving benefits under this chapter;

(B) had completed at least ~~ten (10)~~ **eight (8)** years of service in a position described in section 7 of this chapter; or

(C) met the requirements for disability benefits under section 15 of this chapter;

is entitled, regardless of the participant's age, to the benefit prescribed by subsection (b).

(b) The surviving spouse is entitled to a benefit for life equal to the greater of:

(1) seven thousand dollars (\$7,000); or

(2) fifty percent (50%) of the amount of retirement benefit the participant was drawing at the time of death, or to which the participant would have been entitled had the participant retired and begun receiving retirement benefits on the date of death, with reductions as necessary under section 14(c) of this chapter.

(c) Benefits payable to a surviving spouse under this section are reduced by the amounts, if any, that are payable to the surviving spouse from the public employees' retirement fund as a result of the participant's death.

SECTION 5. IC 33-14-9-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 24. Subject to section 20 of this chapter, the monthly benefit payable under this chapter after June 30, 2001, to participants, survivors, and beneficiaries shall be increased by the same percentages and under the same conditions as monthly benefits are increased under IC 5-10.2-5 for members of the public employees' retirement fund and their survivors and beneficiaries.**

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